

100.

A
R E V I E W
OF THE
GOVERNMENT AND GRIEVANCES
OF THE
PROVINCE OF QUEBEC.

(Price 1s. 6d.)

100

418

427

Shortly will be published,

A SKETCH of an INVESTIGATION into the past ADMINISTRATION of JUSTICE in the Province of QUEBEC, ordered by his Excellency LORD DORCHESTER, last Summer.

Also, in a few Days will be published,

H U M A N I T Y,
A P O E M.

WITH A VIEW OF
LIBERTY AND SLAVERY.

By the Author of SYMPATHY.

A
R E V I E W
OF THE
GOVERNMENT AND GRIEVANCES
OF THE
PROVINCE OF QUEBEC,
SINCE THE CONQUEST OF IT BY THE
B R I T I S H A R M S.

TO WHICH IS ADDED,
AN A P P E N D I X,
CONTAINING EXTRACTS
FROM
A U T H E N T I C P A P E R S.

*Justice is lame as well as blind, amongst them,
The laws corrupted to their ends that made them,
Serve but for instruments of some new tyranny
That every day starts up t'enslave them deeper.*

OTWAY.

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REVIEW, &c.

AMONGST the various prejudices which root themselves in the human mind, none are more vigorous or absolute than those of education; and of these, the attachment that connects us with the country in which we were born, is frequently the strongest. It is a predilection which seems to have been implanted by the hand of nature herself; it puts forth its shoots in our earliest
A infancy,

infancy, acquires vigour with our growth, and even strengthens with our decay. To rank it, therefore, amongst the prejudices of education may be rather incorrect; for however its intemperance and excess may lead to irregularity, its moderation may certainly boast the virtue of a passion, and claim the respect due to the firmness of a principle. The abstracted reasoner, therefore, must in this instance, remit of the usual rigour of his deductions, and remember that he himself has been, and perhaps still is, an enthusiast to the spot whereon he first drew breath.

" This to his heart endears the barren plain,

" This to his native mountain, binds the swain ;

" His native mountain where his cottage stands,

" More lov'd, more dear, than all the neighb'ring
lands.

" For tho' the blast be keen, the soil be bare,

" His friends, his wife, his little ones are there."

" SYMPATHY."

At the same time, however, that we allow to this natal bias, its magic power of
fitting

fitting and disposing us to endure, and even to embrace the *hardships* of the climate, and the government, in and under which we were born, it too often unfits us for properly enjoying, or estimating the *blessings* of every other.

In a *conquered* country these natural prejudices, or to give them a yet fairer name, these amiable prepossessions claim every indulgence which sound policy will allow: for it may be laid down as a maxim, that the man who sits entirely loose to the welfare of his native country, will never warmly interest himself in the welfare of any other. It is the business, therefore, of those who are invested with the rights of conquest, gradually and with a gentle hand to loosen, and not by violence to eradicate, these patriot prejudices. For all *new subjects*, however they may swear allegiance and intend

to preserve it, have old attachments possibly in direct opposition to the habits, manners, and opinions of their new sovereigns. It requires, consequently, no small degree of address, in which urbanity should blend with power; the one softening the other, to *wean* the natives from their ancient customs, to win their confidence, to conciliate their esteem, and reconcile them to those alterations which policy may prescribe, and the general interests of the empire require.

Of the territorial acquisitions which have crowned the arms of Great Britain with success, we may consider the conquest of CANADA as among the most distinguished, as well from the value of the province itself, as from the splendour of circumstances by which it came into our possession: Although the laurels which Britain gained by that conquest

quest, were watered with our tears—for it never can be forgotten, amongst other objects of regret to check the spirit of our gratulations on this accession to the empire of Britain, that it was purchased with the blood of one of her bravest heroes! purchased by the death of the immortal Wolfe, and numberless others who fought and fell at his side.

Our annals abound with instances of the gallantry and success of our fleets and armies; of the vigour and intrepidity with which our sailors and soldiers have attacked, conquered, and subdued the enemies of the empire;—but they likewise shew how supinely careless we become of those solid advantages which the conquest and acquisitions of new dependencies ought and would bestow, under wise and wholesome regulations; and how negligent we have been of one of the first duties of government, in

not endeavouring to extract from the greatest political evil, some political good, by which the depopulation and waste of battle might, in some measure, be compensated by an increase of national wealth, strength, and prosperity.

It has been observed that Spain, notwithstanding her far extended conquests, her rich and inexhaustible mines, is not more wealthy, or more warlike, or more respectable than before she possessed them.

If the Spaniards, says a writer, whose force of language can be equalled only by the energy of his sentiment, when they first took possession of the newly discovered world, instead of destroying the inhabitants by thousands, had either had the urbanity, or the *policy* to have conciliated them by kind treatment, and to have united them *gradually* to their own people, manners and
customs

customs by proper laws, such an accession might have been added to the power of the king of Spain, as would have made him by far the greatest monarch that ever yet ruled on the globe; but the opportunity was lost by foolishness and cruelty, and can never be recovered.

The rude progress of victory ought to be followed by adopting such wholesome measures as may render the conquered country happy and flourishing; to attain an end so desirable, so politic and so virtuous, not any means are so well adapted as the promotion of public credit by the medium of free and public commerce, under the sanction of patronizing and protecting laws—laws not loose, temporary, and accidental, but suited to the nature of the dependence—which, after being shaped to the genius, temper and character of the people whom they are to govern; should not be tortured abruptly from one

extreme to another, but retain their form ;
 and though introduced with caution and
 sollicitude, when proved to be salutary,
 (which can only be known by their effects
 on the happiness of the subjects governed)
 should be irrefragable. Without these, ex-
 tension of territory is extension of cruelty ;
 and conquest, in its abstract, is only a wan-
 ton waste of the blood of mankind. It is
 not the airy inflation of the declaimer, but a
 truth attested by the solemn authority of
 ages, that the pride of power has frequently
 destroyed armies, to gain or to keep *unprofit-
 able* possessions ; for there are men who,
 without virtue, labour, or hazard, grow
 rich as their country is impoverished, re-
 joice when obstinacy or ambition adds
 another year to slaughter and devastation,
 and laugh in their closets at bravery and
 science, while they are adding figure to fi-
 gure, and cypher to cypher, hoping for a
 new contract from a new armament, and
 computing

computing the profits of a siege or a tempest. But it will be unnecessary to resort to the arguments of the practical philanthropist ; or to those of the speculative moralist, whose system enters not into the rise or fall of governments, nor estimates the loss of individual good by the counterpoise of political advantage:—it will not be necessary to use any reasoning except what would be admissible by the most sound, the most abstract politician, to prove, that every conquest should be so cultivated and improved, as to produce a good proportioned to the inevitable evil by which it was attained. By the same reasoning it is apparent, that the greatest good that can be derived from a new settlement, acquired by a trading nation, is, by encouraging the trade of that settlement under the guarantee of proper laws, that the general wealth, prosperity and connection of the *new* and *old* subjects should so assimilate, that the nation should find itself upon
the

the whole richer, happier, and more powerful by that conquest.

But before we come to any application of our preliminary remarks, which will not be found irrelevant to the principal object of these pages, let us pave the way by a few more introductory observations.

The most sagacious writers, and indeed all the commercial parts of human society, (which is nearly the whole of the civilized world in a greater or less degree,) have determined, that trade is the most beneficial thing that can be encouraged in a country capable of it: and it has been justly laid down as a maxim, that where there is an extensive and well regulated trade, under the auspices of *equally well regulated laws*, a province continually increases in resources and in wealth; and, that the wealth and resources of a province decline in exact proportion

portion with the decay of its trade, if occasioned by the *irregularity* or *inefficiency* of its laws. It would not be difficult to apply to the laws and trade of the province, whose government and grievances we are about to investigate, the particular *illustrations* which have been brought in proof of this general assertion. The ancient dignity of Carthage, and the modern importance of Holland, whatever may be her present degradation or disgraces,—the former rising, not as a meteor, to dazzle and disappear, but, from rude and obscure materials, to a solid rivalry with the mistress of the world; and the latter ascending from airy nothing, like one of her own exhalations, not only to “a local habitation and a name,” but to be an object of as great political magnitude as any in the map of the commercial world. The origin of both was mean and contemptible, and both are indebted for their distinction and elevation to the spirit of

of trade. Happy, therefore, is the nation, happy the province! exclaims a real lover of his country, where the ministers and nobles of the land delight in promoting and protecting the trade of the new acquisitions to the guardian empire; they will inspect all the channels by which wealth and prosperity flow in upon the land, and remove all obstructions; wherever the progress of commerce is obstructed, they will trace the cause, clear the course, and replenish the streams.

How far this policy has been attended to in the conquered country of Canada, or how far it stands yet in need of British encouragement, British laws, and British protection, to secure to the empire the advantages of its trade, shall now be fairly and candidly examined.

This extended and productive province;—for with whatever accuracy it may have been
been

been described by a celebrated writer, who, in some observations on the state of affairs in 1756, called it, a cold, uncomfortable, uninviting region, from which nothing but furs and fish were to be had, and where the new inhabitants could only pass a laborious and necessitous life, in perpetual regret of the delicacies and plenty of their native country,—notwithstanding the opinion which at that period might, from want of information, be entertained of it, that it was not thought of much value even by those who first planted and encouraged the colony, but as a mere political drain, into which the waste of an exuberant nation might be thrown,—a region of desolate sterility, where nothing was found but lakes and forests, barren and trackless;—yet, from undubitable authority, from positive and known facts, we can now venture to call it a populous and productive country.

It

It appears to be a maxim of the French Government, in common with all other despotic empires, to pay more attention to extending the empire, than to improve its acquisitions to any real advantage ; which can only be attained by equal, just, and known laws, giving confidence and energy to enterprize, by the security which they afford civil and political liberty. Canada, while under the French Government, was valued more as a thorn in the side of Great Britain than for its own internal worth : The slow, yet regular progress of cultivation and trade, and the profits and advantages that might have been derived therefrom, were objects to which they never directed their attention. Their view was to annoy and destroy the British settlers in the neighbouring provinces ; and, by calling out the Canadian farmers, and employing them in that destructive predatory species of war, they succeeded so far

as

as almost to annihilate the British American colonies ; but that wanton exercise of power, that blind desire of superiority, entirely ruined their own colony, by preventing the cultivation of the lands, and obstructing and drying up the sources of trade and commerce. Though that country was under the dominion of France about one hundred and sixty years, she was still ignorant of its powers and resources ; its trade was trifling, and the province a dead weight on the kingdom ; it was left to the commercial spirit and enterprize of Britons, to find out and open these resources, to form an estimate of its importance, and to give it, in the political and commercial world, the consequence it so well deserved.

A brief and unornamented history of Canada, from the conquest of it to the present time, correctly tracing, with the simplicity, yet the vigour of truth, *acts,*
experiments,

experiments, successes, miscarriages, grievances, and appeals, in their progress across the Atlantic, from the subjects to Government, and from Government to its subjects, in the career of an almost constant correspondence, will best explain what hath been the past, and what is the present state of that country. It may be just necessary to premise, that in the proposed statement,

“ Nothing shall be extenuated,

“ Nor ought set down in malice.”

Not a syllable indeed admitted, with which those of the higher powers whom it most concerns, in Great Britain, are not, by an accumulation of pathetic evidence, pre-acquainted.

This *extensive* and *productive* province, in the year 1760, finally surrendered to the arms of his Britannic Majesty ; when, amongst the revolutions of that memorable period, the officers of the French civil government

vernment resigned their respective powers into the hands of our Commander in Chief. The Courts of Justice, instituted and administered under the laws of France, were consequently closed ; to obviate the confusion which, in a country of such extent, would necessarily take place on the least suspension of civil government, military courts, composed of a certain number of officers of the army, were, with great propriety, established by General Murray, with a view principally to the hearing and judgment of mercantile causes. When any objects of difficulty, intricacy, or magnitude, were submitted to their jurisdiction, they had it in their power to resort for legal information to such of the French Judges, Counsellors, and advocates, as were still in the country.

The province remained under this kind of government, till a more important epoch in its history took place; when, by the treaty of

B

peace



peace of 1763, the whole country of Canada was finally ceded to Great Britain.

His Majesty, on the 7th of October, 1763, by royal proclamation, erected it into a British province, under the title of *The Province of Quebec*. And by the same solemn sanction, graciously promised the benefits of the *English laws*, to such of his subjects as should resort to, and settle in his new province.

In the spring 1764, a commission of Civil Governor was sent to General Murray, with orders for the appointment of a council, who were to be invested with certain powers of legislation—to establish courts of justice—and nominate judges to preside. The form of the commission was the same as those instruments in use for the Governors of the other British colonies in America—the same powers granted, and the same direction

given to summon an assembly of the freeholders.

This announced something like a government : here appeared the dawn of Canadian hope, and of British expectation. The old and new subjects hailed the appearance of that guiding star in the western hemisphere, under whose auspicious influence their rights were to be protected, their commerce sustained, and their happiness secured.

The first sessions of the new appointed legislative council met about the month of August, 1764; and on the seventeenth of the September following, in compliance with the gracious promises specified in the proclamation above alluded to, they published an ordinance for the establishment and regulation of the judicial Courts. By this ordinance the Chief Justice was directed to decide all matters that came before him—

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“ According

“ According to the laws and customs of that
 “ part of Great Britain called England, and the
 “ laws, ordinances, rules, and regulations of the
 “ province hereafter in that behalf to be ordain-
 “ ed and made.” Thus the laws of England
 were fully introduced into the province,
 and indeed the Royal sanction itself given
 afterwards to that ordinance, was a confirma-
 tion, like proof of “ holy writ,” that the
 council had not mistaken or exceeded his
 Majesty’s gracious intention. Unless, there-
 fore, for the purpose of determining such
 causes among the natives, as originated be-
 fore the first of October 1764, the customs
 of Canada and the laws of France were en-
 tirely set aside. Abrupt revolutions in civil
 governments are at all times dangerous, and
 will necessarily produce great evils, and give
 much trouble to the subject; every new and
 great experiment, therefore, should be un-
 dertaken and introduced with caution. By
 this new system the dearest and most sa-
 cred rights of the new subjects were en-
 tirely destroyed; those laws by which only
 their

their transactions about their landed property, family settlements, and the various contracts between the Seigneurs and their tenants could be regulated, were entirely done away ; and the French Canadians found themselves under legal obligations to regulate their conduct and affairs by a system of laws, with which they were totally unacquainted, and of which the attainment of any competent knowledge was impossible, not being possessed of the books in which they were contained ; and, besides, their ignorance of the language in which they were penned, was in itself a bar not to be surmounted. No wonder if this ignorance of the new laws by which they were now governed, prevented their seeing, at once, all the dangers that impended, or perceiving the change which those laws created in the tenures of their lands, and in their domestic arrangements. They still, however, continued to alienate their landed property, to settle their family affairs, and to follow

the modes of inheritance according to the practice and usage of the French government; although, in a variety of instances, they thereby acted in *opposition* to the new law: Fortunately, for a considerable time, no material disputes happened, or were brought forward, to open the eyes of the people to the horrors that threatened them.

The progress of misfortune, is, nevertheless, always sufficiently rapid, and we generally know the nature and extent of our calamity before we are adequately prepared to meet it. From the surrender of the country until the establishment of civil government, a number of the French Judges, *Conseillers du Conseil superieur*, *Avocats* or lawyers--from choice, necessity, or affection--still remained in the country, and cherished hopes that their professional talents might be wanted. They foresaw the propriety, and even necessity of assimilating the laws, customs, and manners of Canada with those of Great Britain; but
they

they expected this would be done with a gentle hand, and by degrees. They could not conceive it possible, that a wise and enlightened nation would, by one short law, totally destroy and annihilate a whole system of jurisprudence, which had regulated the country ever since it was settled; amended and modelled from time to time, to suit the particular exigencies of the settlement; and which, they naturally concluded, ought, in *some* parts at least, to be better adapted for that country, than any other that could be introduced; they expected, that if their new governors did not pay much attention to the prejudices of their own subjects, that they would at least respect the nature of their property, and preserve those laws which alone could protect and maintain it: but those hopes were completely destroyed by the publication of the ordinance of September, 1764. The only system of laws of which either they or the Canadian people knew the practice, being now abrogated, the

greater part of them, soon after retired to France; the few that staid behind were mostly men, not distinguished by abilities, and whose age prevented them from trying experiments upon fortune or happiness in another country.

Though from a total ignorance of the practice and the forms of the new system, many of the new subjects suffered considerably, yet a few years experience convinced the more sensible part of them, that the English *commercial laws* were more particularly calculated, and, indeed, every way better fitted for the regulation of a *commercial colony*, than the custom of Paris. Compiled and digested in the fifteenth century, when trade and commerce were little cultivated in France, the custom of Paris, enveloped with numberless forms, clogged the free active powers of trade and crippled the enterprizing genius of commerce. Experience, which is the best eradicator of prejudice, thus began

gan to have its proper effect, with regard to the commercial part of the English laws; but the Canadians still regretted the alteration of the laws relating to landed property, inheritance and dower; more particularly, when a few of the most intelligent had obtained proper information of the real state of these things by conversation with the old subjects.

Far from wishing, however, to destroy rights which were of so great consequence to their new fellow subjects;—far from desiring to injure a people with whom they were now blended, and with whom, through interest, they were connecting and reciprocally mixing every day—the old subjects no sooner perceived the fatal effects of the ordinance of the 17th September 1764, than they publicly expressed their disapprobation; and in the year 1765, they petitioned His Majesty, that he would be pleased to order the Governor to call a *House of Assembly* for the province, as being more auspicious
to

to the real interests of the province, and more likely to give the necessary attention in the formation of laws, to the ease, the convenience and tranquillity of the people. They waited with patience several years, in hopes of relief from their application; but finding their situation daily becoming more critical, and their distress more general and prevalent, in the year 1770, they re-petitioned for the same objects; and again, in the year 1773, reiterated their complaints by petitions to his Majesty, and both Houses of Parliament.

The new subjects, from the mildness of the administration of the Civil Government, since the peace of 1763, having acquired a certain degree of confidence in the justice and upright intention of the British Government to all its subjects; and convinced, that it could not be the intentions of his Majesty, that the guards and security of their property and their rights should be removed

ed or destroyed, in the same year, forwarded a petition to his Majesty, praying, that he would be graciously pleased to restore their antient laws, customs, and usages, relating to landed property, inheritance, dower, and marriage settlements, as being objects of the greatest importance to them.

From all these applications, the old and new subjects had reason to expect their situation would be taken into serious consideration by the British Government, more especially, as they knew that the Governor and Council, the Chief Justice, and Attorney General of the province, had severally reported on the unsettled, impolitic, and dangerous state of the Civil Government.

* But, to their astonishment, while they were anticipating the indulgence of their wishes, and fondly flattering themselves with the hopes of receiving a proper constitution on fixed and liberal principles, that would at

* See Appendix, No. I.

once secure the most valuable rights of the new subjects, afford protection and encouragement to commerce, and establish the whole province in the enjoyment of the rights and privileges of British subjects; in the Summer of 1784, they received information of an act having passed the British Parliament, which made an entire change in their Civil Government, totally overfet, abrogated, and in every sense *annihilated* the whole system of laws, by which they had been governed for ten years: a system, which, though, with regard to that country, certainly defective, only wanted *modification*. In fine, another code was now established, of which the British Parliament could not be sufficiently acquainted; and, on that account, it is so concisely and indefinitely expressed in the act, viz. simply “ the laws and customs of Canada,” that it has occasioned a *continual series of disputes ever since it began to operate*.

Immediately

Immediately after the account of passing the Quebec Bill was received the old subjects—feeling the injury done them by a deprivation of the English commercial laws, in which they were much more interested than the new subjects, (as they had all the import and export trade in their own hands) and that their affairs and transactions were to be governed and adjudged by a system of laws, of which they were totally ignorant—dreading the confusion, loss, and ultimate ruin that must be the consequence of mercantile business, transacted under, and amenable to, laws, not in contemplation of the parties—and besides oppressed with the idea, that by this new system, all hopes of an elective house of assembly, (by which only proper laws could be made for the province) and their privileges as British subjects were entirely destroyed—in the Autumn of 1774, they prepared and forwarded to his Majesty, and to both Houses of Parliament, petitions, stating
their

their grievances and fears, and praying that the Quebec Bill might be repealed, or, at least, amended: these petitions were presented, but the apparent approaching rupture, with the *other* colonies, obliged Government to overlook the complaints at that time, and to postpone giving the redress prayed for.

It has been before observed, that on the introduction of the English laws, the greater part of the judges, principal counsellors and lawyers, that had assisted in the courts of the province during the French Government, had retired to France; those who remained were not of the most illustrious talents; some of these had since paid the debt of nature, and the rest, from long disuse of the study of the French law, were become ineffectual advocates, and impotent advisers; nor were the judges appointed to sit in the courts, better informed of the spirit, or extent, of the
new

new laws, or of the forms necessary to the proper administration of them, than the advocates.

Constant irregularities, therefore, arose in the practice of the courts, which produced much uneasiness in the people's minds, from the miserable *uncertainty* in which they found their rights and their property entangled; and, the new legislative council established by the Quebec Bill, in the laws they have passed for the purpose of *amending and modifying* the general system, they have sometimes rendered them more complex, and thereby *increased the general discontent*.

In April 1778, the Merchants and others from the province of Quebec, then in London, prepared and delivered to Lord George Germain, Secretary of State for the American department, a petition, stating
strongly

strongly those grievances, praying for a *repeal* of the Quebec Bill, and that a House of Assembly might be granted to the province; and were pleased to find by his Lordship's answer to that petition, that the danger of altering the constitution of the country when the enemy was on the borders of the province, was the only solid objection to its prayer. Though they had considered it as their duty to inform Government of the distressed situation of the province, they were, however, unwilling to embarrass his Majesty's ministers at that time, when the safety of the nation rendered sacred every moment of public deliberation; and, therefore, deferred prosecuting this petition any further, in full confidence that Government would attend thereto, and give them the necessary relief as soon as peace would render the operation safe and easy. The long wished for period at last arrived, when the nations fatigued with the
destructive

destructive progress of war, sighed for repose ; and a definitive treaty of peace being concluded in the beginning of the year 1783, his Majesty's faithful subjects, the inhabitants of the province of Quebec, joyfully congratulated themselves, that their country still remained part of the British Empire ; in full expectation that Government, relieved from the cares and apprehensions attendant on a state of war, would now lend a favourable ear to their complaints, and give them the necessary relief ; the old subjects, in the Autumn of the year 1783, made out, and forwarded petitions to the King, to the Lords, and to the Commons, praying again for the repeal of the Quebec Bill, for an elective House of Assembly, and for the English commercial laws : and these petitions were followed in Autumn 1784 by others, signed by all the old, and the most respectable among the new subjects, addressed to the King, to the Lords, and to the Commons, praying for the same objects ;

one of these petitions was presented by the London Merchants to Lord Sydney, in May 1785.

Thus, the old and new subjects were obliged to unite at last in the same petitions, and the same prayers; time and experience had convinced them, that as members of the same province, their interests were inseparable; they now perceived the invidious policy of those who had kept them so long disunited, in the view to disappoint both parties: they saw they were left without any effective, any fixed or permanent laws, or at best, so loose, indigested and frequently unintelligible, that eventually they were worse than none, producing jealousies, public and private disagreements, and creating a general spirit of discontent.

From a review of the government of the Province of Quebec, from the conquest of
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it by the British arms, it will appear that the people have had a complicated series of solid ills to encounter. The incompetent civil government, under which they have been obliged to live, and the vexatious uncertainty by which they have constantly been oppressed, with regard to their rights, and their property, furnish ample ground of *substantial complaint*. In the space of twenty-eight years they have been obliged to conform to three different systems of laws, each improper, and at variance with the other—Systems forced upon them in the aggregate, never defined, and of course never understood. The first, which may be called a *military* government, though founded on ideas of natural justice, always fluctuating, sometimes equitable, and sometimes arbitrary; yet perhaps, not ill adapted to the exigence of affairs at that time. This temporary system was done away by the new legislative council, and the English laws, voluminous and complicated as they are,

without the smallest reference being had to the nature of the country, or how far these laws were proper, or if they could at all be applied to the situation of property there, were introduced in general terms, by a few *words*: no regard was paid to the nature of the tenure of the lands, or the prejudices of the people, with respect to inheritance, to dower, or to settlement of family; no enquiry made of the possibility of regulating or even of reconciling these objects by those laws:—but the new Council full of their new power of legislation, or from the idea of complying so far with his Majesty's gracious Proclamation of the 7th of October, 1763, without foresight, feeling, or reflection, imposed *the whole of the English laws*; and convinced the people that they must be content to shape their affairs and transactions, to the modes and forms which those new laws required, whether hostile to their interests and inclinations, whether possible or

or not.* But the plain fact is, the new subjects seldom complied with these new laws; as indeed how was it possible they should? they continued to purchase and sell lands, settle their affairs of inheritance, and arrange their family matters, covertly perhaps, and with fear and trembling, through the medium of some of their own notaries, exactly in the same way and manner, formerly in usage, while under the government of France. We have already observed, that fortunately no disputes, were brought into court, of magnitude, while these laws prevailed; and in the inferior Courts, the Judges sometimes took into contemplation the customs of the French law, but numberless were the Canadian transactions during that period, diametrically opposite to the spirit of the English laws, and without great dexterity to manage and to quiet the

See Appendix, No. 1

C 3

minds

minds of the people, the most complicated mistakes, distress and confusion must have been brought to light.

This system, which certainly was very defective in not paying attention to the nature of the feudal tenure of the lands, was entirely done away, and *another* new system perfectly different, by a few words in the bill of 1774, introduced. This second new system, called the *Custom of Canada*, was in itself from similar causes, no less defective. The act neither defined nor described them; few members of the British senate could be supposed acquainted with them, nor to have the smallest idea of the probable effects of their operation on the affairs of the Province; yet, notwithstanding a very strong opposition, it was hurried through the house so quick, that the accounts of the project of the Bill, and its *being passed*, arrived at Quebec, at one and the same time.

This

This Bill, however, pleased the Canadians, at the first blush of it ; it met, indeed, their strongest and deepest prejudices, as well religious as political ; it carried away their hearts by a kind of *holy* fascination ; and, in regard to those favourite points which were most dear to them, the tenure of lands, the manner of inheritance and of dower, united to that first consideration the secure establishment of the Roman Catholic Faith, all their prepossessions, their passions and their principles, appeared at once to be consulted. If, we add to this, their being unfettered from certain legal restraints, with the grant of other indulgencies, for which, as a conquered people, they were almost afraid to hope ; this new system of legislation operated with more than magic force, and in the outset was at once a triumph and a charm.

The custom of Canada, as introduced by that bill, is understood to comprehend the custom of Paris, such of the general edicts of the Kings of France as were registered in the books of the superior council at Quebec, and the acts or ordinances of the Intendants of the Province ; but these were so imperfectly known at the time the bill passed, and from the contrariety of the judgments of the courts, the continual disputes between the lawyers and the judges, concerning different parts of these respective laws, * that it is evident they are not yet thoroughly understood by any person in the Province ; although it is well known that one of the most essential things to be done by a legislative power, is to introduce good and wholesome laws, wherein particular care ought to be taken that they be delivered in such a plain, and self-evident manner, that they

Appendix, No. 2.

may

may be understood by every individual, unlearned, as well as learned. A confused body of laws, is by all confessed to be attended with the very worst consequences; and must necessarily ever produce inconsistent judgments in courts of justice, where all ought to be connection, harmony and consistency.

The custom of Paris is almost solely applied to the regulation of landed property, inheritance and dower. The French commercial laws known by the name of the *Code Marchand*, have in numberless instances been refused by the judges of the courts, to be of force in the province; from which has sprung a complication of serious events, ruinous to the trading part of the province, and to those British merchants who have had connections there. If we mass together these different contrarieties of opinion, and of decision, one law clashing against another,

another,* the aggregate will be as a heap of confusion, a system of disorder and misrule, from which nothing but mistake, disquiet, and general anarchy has been, or can be produced.†

The great number of applications that have been made to Government from the inhabitants, praying for settled laws, and a permanent constitution, would certainly have produced the desired effect, if Government had given the necessary attention to them; they are, however, convincing proofs that the people have from time to time described the inconveniencies and distresses as they arose; and that they described only what they felt. In an age of political

* See Appendix, No. 3.

† See the Minutes of the Investigation, ordered by his Excellency Lord Dorchester, last summer, into the past administration of justice, when published, will shew such a scene as no Province of the British empire ever yet exhibited.

political clamour the subjects of Quebec, amidst their countless vexations, have certainly expressed their sense of the condition to which they were reduced, in more decent terms than might be expected, from a people who have been so repeatedly embarrassed, and who have sustained so much anxiety, and loss in consequence ; but more particularly, as being members of a British Province, who, instead of enjoying the rights to which they were thereby entitled, have on the contrary languished under the worst species of despotism, with which not only free men but slaves can be afflicted. They were but too conscious of this ; they felt the chain about their necks ; the hand of industry was bound ; and yet, correctly speaking, there was no law, no authority, either to enchain or emancipate. To apply an expression of great force and beauty, used to illustrate another species of captivity—“ They felt the iron enter their souls”—and yet loyal amidst their sufferings ; their

appeals

appeals to the Government which oppressed them, were, and still continue to be, temperate, though strong; and placable, though potent. Surely a due regard to the interests of that Province would arouse the attention of Government to its present critical situation, and convince them of the impropriety, impolicy, and cruelty of introducing or supporting the whole of either the English or French laws, in a country inhabited by two classes of people, educated and brought up under different legal systems, so that one or other of them must feel inconvenience and distress if either system is entirely established. A moment's consideration, indeed, must have shewn the necessity of forming a constitution of a mixed kind, so as to accommodate both parties, by selecting such parts of either system* as would suit the situation of the Province, which being British, its constitution should of course be

* See Appendix, No. 1.

be that of the parent state, and the laws by which it is governed British also ; with a skilful engrafting of such parts of the Canadian laws as had reference to those favourite and necessary points, where policy might safely indulge prejudices, viz. landed property, inheritance, dower, and family affairs. Thus might the line have been drawn with wisdom and humanity, and it would have been, as indeed it is, the only way by which the laws of that Province can produce either social happiness or political prosperity ; or, to speak yet stronger, but consistently with truth, the only way by which Canada can reflect honour upon the Government of the British Empire, or produce any solid benefit. But because the French Government made no legal provision for trade and commerce in that country, (as being no part of their political system in settling it) and therefore refused to them the commercial laws known by the name of the *Code Marchand* administered in France
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by the *Juge et Consuls des Marchands*, and gave them only the custom of Paris,—can that be a sufficient reason why, as a British Province, they should have no laws to regulate these affairs? Is there not every reason to suppose that Great Britain would grant those laws, those securities so necessary to trade and commerce, when the constant maxims, (the evident policy, she has always adhered to in colonization) are, for the purposes of trade and the extension of her commerce? Surely no! is there not rather every reason that equity, policy, humanity, and good order can urge, to warrant the inhabitants of the British Province of Quebec, in their appeals to the legislature of the British empire, not only for a redress of the above stated grievances, but for every encouragement that an adopted child has a right to expect from a wise and worthy parent. In this state of political alliance do the two countries stand. The duty of the one has been long tried and proved, and
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it has been found not undeserving of the protection or affection of the Parent state: nay more, it justifies its claim to that affection and to that affinity, not only by the right of adoption and of allegiance, but by the yet more powerful motive of the interest of Great Britain. The very staple commodities of the trade and commerce of Great Britain, most boasted, and most worthy of boast, are combined with their claims; and these would flourish from the root to the remotest branches under the fostering sunshine of the English law and a proper constitution; for the want of which the whole Province, from Quebec to the last subordinate acre of Canadian land, is distressed, and the inhabitants may truly say, in the apposite language of the motto,

"Justice is lame as well as blind amongst us."

It has been vigourously said, that a colony is to the mother country as a member

to the body, deriving its action and its strength from the general principle of vitality, receiving from the body, and communicating to it, all the benefits and evils of health and disease, liable in dangerous maladies to sharp applications, of which the body, however, must partake of the pain.

The mother-country has always considered the colonies thus connected as parts of itself; the prosperity or unhappiness of either, is the prosperity or unhappiness of both; not perhaps in the same degree, for the body may subsist, though less commodiously, though a limb lose its strength.

Our colonies, therefore, however distant, have hitherto been treated as constituent parts of the British empire. The inhabitants, incorporated by English charters, are entitled to all the rights of Englishmen. They are governed by English laws, entitled to English dignities, and regulated
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by English counfels, and protected by English arms:

This doctrine can never apply stronger than in the case of Canada, superior to a colony, in point of dignity it has all the claims of an adopted Province—a Province added to the guardian empire, by the success of British arms, and at this moment under British protection. Thus fortified, they approach the Ministry, they approach the Throne.—They apply to Parliament, for what purpose?—To state their grievances, to shew the necessity, and point out the means of redress: so far from feeling sentiments of resistance to the English laws, or Government, they acknowledge their supremacy, lament that they are not governed by a more uniform authority, and sue, as with one heart, to be received under a more perfect guardianship.

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From this short statement of the affairs of the province of Quebec, it will clearly appear, that their situation, for want of a correct liberal system of laws, is not a more general calamity to the old and new subjects of that extensive and estimable province, than it is a material loss to the empire which hath its prosperity and happiness in charge. Yet it has never been disputed, that the chief end of Parliaments is to enact laws which may be serviceable, and abrogate those which are found to be prejudicial to any colony, province, or society of the empire. Parliament, therefore, in redressing grievances, when they are properly set forth and explained, only acts agreeably to the *end of its institution*, which ought always to be had in view.

It is universally confessed, that if, among a collective body of people, there were no regulations, or none so fixed and permanent that could be *depended* upon, which is the
same

same thing; no order previously agreed on, or, in other words, no *law*, misery instead of happiness *must* be the effect of such association. A correct legal constitution prevails wherever there is true liberty; and where there is liberty there arises love, affection, and gratitude, for the powers which grant and protect it. Dark and tremendous, and yet not coloured beyond the truth, nor drawn larger than the life, is the picture of a nation left defenceless, without the guard of well regulated laws. Rapine, plunder, and chicanery, unjust proscriptions, villainous accusations, confiscations, public murders and secret assassinations, are the prominent lines of the picture!

Although the portrait of Quebec be not yet—and God forbid it ever should be—reduced to exhibit all these horrible lineaments, it is not surprising that the features of *that* province should be marked with sadness, dissatisfaction, and regret: the

first appearances of public distress are *affecting*, the last are *insupportable*.

With respect to the province of Quebec, after this survey of its government and grievances, it may be fairly asked, “ What “ could induce Great Britain to keep it so “ long a slave to such miserably defective “ systems ? ” Every other dependence of Great Britain in America, and the West Indies fully enjoy those privileges which are denied to this. Even the small island of St. John, that just lifts itself to political observation, in the gulph of St. Laurence, which does not contain more inhabitants than there are in the city of Quebec only, has a proper constitution, and a House of Assembly. New Brunswick, on which the dignity of a province has been conferred, since the peace, though comparatively unimportant, is likewise in possession of those enjoyments, and all the comforts and advantages derivable from a House of Assembly. It would undoubtedly be

be curious to hear the true political reason assigned, why the province of Quebec should be thus singularly marked, not only by a refusal of these enjoyments, and their source, but for the seat of the worst kind of arbitrary government. The reason can be neither in their want of private virtue, public loyalty, commercial spirit, nor intellectual vigour; for it may be confidently asserted, that that degraded land, unpatronized, chilled and oppressed as it is, can produce a set of men as capable of legislating, and with all the qualifications that constitute good members of human society, as any Province or colony subject to the empire—men, whose integrity of heart, and wisdom of mind, render them fully equal to all the powers entrusted to the legislature of a free country.

But all these capacities are shut up for want of opportunity to exert themselves. Despotism, in whatever form it appears, strikes at the root of every excellence. Like

the King of Terrors, it puts every thing in subjection under its feet—it tramples upon genius and virtue—and stabs trade and commerce to the very vitals. The want of proper and fixed laws, is indeed the want of every thing; for there is nothing in civil society can thrive without them; in all the annals of the civilized world, not only *making* laws, but the necessity of making them *accurate*, has been demonstrated; since on their accuracy depends the order or the anarchy, the happiness or the misery of society. Those of Canada, if laws they may be called, have been only productive of disturbance and confusion; and must run on to such absolute desolation, unless immediate regulations take place, that it will be difficult to say, in the progress of an accumulating evil, where its destructive influence may terminate.

If any persons doubt that the internal resources of Canada are now great and extensive,

tenfive, it is necessary to instruct them, that the province of Québec is not only estimable for the fund of trade and commerce that arises from its own internal powers,* but as being the natural channel for the trade of the whole state of Vermont, and a great part of that of New York, down the river St. Lawrence; the supply of these countries with British manufactures, will, in a few years, greatly encrease the demands from Québec, and the rude produce of their lands, viz. wheat, hemp, lumber, &c. must add greatly to the advantages which the empire at large will derive from the general trade to that province.

But at present, there is not even a prison in a situation to confine the persons of debtors for the most fraudulent practices;

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* Appendix, No. 5.

there are no court-houses becoming the dignity of a market town in Great Britain ; it will require from twelve to fifteen thousand pounds to erect these necessary buildings : and under the present system, that money must be drained from the inhabitants of Great Britain. The police of the town and the high-ways, like the towns themselves, are in a miserable condition.—In short, every department of the civil government is in confusion ; and to sum up the whole in one sentence, there is not at present, in that *new British province*, a system of *British law*. Yet the inhabitants do not even desire permission to trade to any *other country*, than those permitted by *the laws of Great Britain* ; they only wish, for their own comfort, happiness and security, to be allowed by their representatives to make the laws necessary, for their *own particular internal government and regulation*. And to have it in their power to encourage, and *increase the produce of the country*, and thereby en-
crease

crease the demand for, and consumption of *British manufactures*. It is an observation of the acute Writer, who has enquired with so much success into the nature and causes of the wealth of nations, that, in every thing except their foreign trade, the liberty of the English new British settlers in colonies, or in any conquered countries, to manage their own affairs in their own way, should be *complete*. It should, indeed, in every respect be equal to that of their fellow citizens at home, and should, be secured in the same manner, by an *assembly of the representatives of the people*. The great application which Lord Dorchester has given to the affairs of the Province, since his arrival in October 1786; the wise measures which he has adopted and pursued, to gain the necessary information and intelligence of the actual situation of the various departments of the civil government; and, as it were, to sound the pulse of the public—have enabled him to furnish his Majesty's ministers with a
number

number of reports, which, together with the minutes of a public investigation into the past administration of justice; must convince them, that every thing is in the utmost disorder, and that *palliatives* cannot now cure a constitution labouring with a complication of disorders. The papers which his Majesty's ministers have officially received from the Province, within these last twelve months, are so full and compleat, that further procrastination would be in the highest degree cruel.—They are now possessed of such a solid body of information on these points, that they can be at no loss to decide on the propriety, the justice, or the energy of the prayers of these petitions, and cannot but know, that there is only one radical remedy for the present disorders, namely, *a legislative house of assembly.** How is it possible to expect indeed that a people should feel

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* Appendix, No. 5.

that strong attachment so necessary to the support of the government, and the tranquility of a distant province, when they are particularly marked out and oppressed by a system of government entirely different from the rest of the empire.—Human nature ever revolts at oppression; and the annals of the world, in deep and sanguinary characters convince us, that a people will hazard fortune, life, and posterity to procure relief from present oppressions.—The history of the Island of Minorca, ought to be an alarming warning to this country, that it is highly impolitic to continue a distant settlement or colony under any other form of government than that of the parent state; that Island belonged to Great Britain, for near seventy years; Government continued to the inhabitants their ancient laws, and never attempted to change their manners, languages or opinions; the people therefore, never considered themselves as British subjects, they never knew the happiness or advantages

vantages of that distinguished title, and therefore, when the Island was invaded in 1756, and 1780, scarce a handful of men stood forth to support the British government, as they had never perceived any material advantages they had ever derived therefrom; they were still Spaniards in their language and manners, and, of course, in their hearts; and felt no disagreeable impressions, no disloyalty, no breach of duty (for we neglected to cultivate their affections) in returning again to their Spanish masters,

Taking, therefore, a recapitulatory view of the whole, it appears, that the inhabitants of the province of Quebec have strongly, repeatedly, and loudly, but not indecently, or clamorously, complained of all that can harass a generous, zealous, and loyal people, of a total deprivation of their rights as subjects of a free nation and generous King, of vexatious oppressions without number, of such arbitrary undefined systems of laws, as
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wrings from them the bitterness of expostulation against despotic measures, in the view of which, they live like slaves in a land of freedom; all legislation being intrusted to a Council, composed of men appointed by the crown, through the recommendation of the governors. A Council so constituted must ever be subject to fluctuation, as the uncertain gale of interests or prejudice veers about; being removeable at pleasure, and consequently in some measure dependent. But, as if the aggregate of all these evils had not enough debased the minds, to such an extent has despotism been carried, that 'till last winter it has been held as an invariable and absolute state maxim, by the members of the above Council, that nothing was to be divulged; nay, that each member was *bound by an oath*, not to disclose any circumstance that came before the legislature. So that the people never knew what laws were proposed or debated in the council, until they were enacted; of course they had no opportunity

opportunity of opposing them in any stage, however unjust or oppressive, or of giving that information, so necessary, to the formation of good laws, and to command the respect and veneration of the people for whom they are formed; and even to this day the door of the council chamber is, when they are met in legislature, still shut to the public. Is this the proper measure for a free country to take against its faithful appendages? Is this a maxim, fit to be established by Great Britain against one of the best, and most loyal of its provinces? If this is not persecuting by the *sword*, it is by the *chain*. If this is not a system of corruption, it is of inevitable confusion, and must lead to misery and despair. If by these measures, the good of one subject is advanced, that of a hundred is desolated; and it is a sacred maxim in politics—*Jura non in singulas personas, sed generaliter constituuntur*: Laws are made, not for individuals, but for the whole body politic.

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The public felt the indignity thereby offered, not only to their rights, but their reason; it made them more bitterly lament the loss of that glorious privilege of British subjects, of having their laws approved and enacted *by their representatives*: wounded to the heart, as Britons, they spurned at the despotism, and re-kindled the spirit which animated their petitions to government for relief—they now more sorely felt the necessity of an elective house of assembly, for which they prayed, first in the year 1765, then 1770 and 1773; but even though the relief then prayed for, might in the *first* years be inexpedient, could they have supposed it possible, that the legislature of Great Britain would, on so slight a foundation as the petition of sixty or seventy individuals of the new subjects, the very mockery of a general complaint, impose on them a system of laws which nobody understood? Again, therefore, in November 1774, they petitioned for redress, and a repeal of the

Quebec

Quebec bill, the same year that it passed— they petitioned to the same purpose in 1778; and again in 1783; but fearful that the last petition might not procure them the privileges they so ardently implored, they in 1784; made out and signed a more *general* petition; in which they were joined by the most substantial and most respectable among the new subjects; for they had now learned, alas! by fatal experience, the evils attendant on the administration of laws not well understood by men who were ignorant of the necessary and proper forms, as well as of the general spirit of the system; their fair, but faint vision was now over, and the meteor so worshipped, was succeeded by impenetrable darkness.

In regard to a free elective House of Assembly, the people claim it in right of their being British subjects, and on a conviction that no other kind of legislature can govern a British province with satisfaction to the people, * or advantage to the Empire.

* Appendix, No. VI.

The resources of that province are great and numerous, but from the fluctuating and arbitrary Government, with which it has been oppressed, they have been most shamefully neglected, and every thing left to the spirit and enterprize of individuals. Government has in no way been aiding or assisting in bringing forth these resources—it has been entirely owing to the irresistible force of the British commercial genius and industry, though sorely clogged and harrassed, that the province has risen to an importance even in its present state, which has astonished its antient masters. If a proper system of Government should be granted it would not only be enabled thereby to augment those resources, (and as all the trade of the province centers in these kingdoms,) encrease the consumption of their manufactures, but might likewise pay the expences of its Civil Government; and, among other objects of far greater magnitude, save to the treasury of Great Britain,

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a large sum which is annually drawn for that purpose. It has furnished matter of surprize to all who have considered the subject, that Government should persist in supporting a system, in that country, so evidently hurtful to the trade, and agriculture of the province, and which, of course, so far diminishes the demands for British manufactures, but more especially in burthening this country with *an annual tax of about twenty thousand pounds* for the expences of the Civil Government of that province; when by granting a free elective House of Assembly, they would naturally be obliged to provide for it by provincial taxes, or customs.

It is the observation of a great politician, that, to deprive a rising people of the means of making all they can of their own produce; or of employing their stock and natural resources, and the fruits of their industry in the way that they judge most advantageous to themselves, is a manifest violation

violation of the most sacred rights of mankind.

Under such accumulation of grievances, their loyalty tried and their sincerity approved, is it strange that the aggregate calamity of the Canadians has so often driven them to the higher powers of this country for redress? Is it strange that petitions should so often have been strengthened by remonstrance, and that remonstrance unattended to should have been exasperated into complaint?

" The flesh will quiver where the pincers tear,
" And sighs and groans by nature grow on pain."

Is it strange that the voice of their sufferings should have gone forth to the throne? It is not strange:—the wonder is, that, notwithstanding all these petitions, remonstrances, and complaints, the sufferings of these unhappy people are still the same;

or to speak more freely, have had the common effect of delay in all diseases requiring dispatch, they have gathered fresh malignity, and given additional virulence and acuteness to the disorder.

Congratulated be the spirit of humble *perseverance* which in a good cause, is the first of political, as well as of moral virtues; the manifold injuries with which this devoted province has been for so many years afflicted, seem now to have penetrated those who have hearts to feel, heads to direct, and authority to enforce. The cause of Canada, is, at length, about to be publicly espoused by an august body, who will probe her wounds, examine her wrongs, and will consider them as too mighty, even for loyalty to bear—wrong, which, though they stand not in need of either the charm or the energy of eloquence, as the foregoing facts but too fully demonstrate, afford the most ample scope for their display. If the
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sacred rights of the British subject, glaringly, cruelly, and wantonly outraged—if the awful claims of liberty violated—if a steady, generous, and brave people in the worst of bondage—if civil, moral, political, and social privileges torn down and trampled upon—if the inherent claims of humanity, of nature, and of God, set at nought, and absolutely annihilated—if these are themes suitable to the abilities or the feelings of British senators, or are proper objects for the investigation of a British House of Commons—that asylum of desolated states, that palladium of injured provinces—the anarchy which now prevails in Quebec, shall call forth all the lustre, all the intrepidity, and all the *omnipotency* of their united powers. Her cause thus supported, the chaos may be brought into order, the light of liberty may shine forth, the political cloud may disperse, and to carry on the allusion, which has more than metaphoric exactness to recom-

mend it, the obscurity which now sheds tenfold night over the province, may be removed.

To say truth, the people of Quebec are, according to the definition of colonies and provinces, become a part of the British Empire; the interest and affection of the correspondent parties, however distant, being the same. They are, therefore, warranted in expecting that an effectual redress of their grievances will be considered as the *common cause of both countries*—a cause, in which all parties on this side the water, losing the distinctions of ministry and opposition, shall have but one opinion; and that the whole Parliament shall unite in one vote—a vote for the repeal of the Quebec Act.

Indeed, it cannot be supposed, that while the Minister is entering with becoming warmth, and the vigour of a patriot, into the appeals of the unhappy tribes of Africa,
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with a view to their emancipation, or relief from their scourges and their chains, it is not to be supposed, while one ear is open to mercy, that the other should be deaf to justice; the partiality which this would mark is obvious. The Canadians meet the Premier of England on the subject of human kindness and human equality, with a spirit that emulates his own, and join, with their whole soul, in every measure that tends to vindicate the rights of nature, and of man. Nay, we will venture to assert with confidence, founded on conviction, that thousands among the oppressed subjects of Quebec wish to see the thrones of humanity and liberty erected throughout the globe, as well as in their own province; yet the slavery which comes home to their own breasts—the slavery which has long invaded their own land—and, like a lawless plunderer, ravaged its fair productions, checked its genius, and struck terror through all its connexion;—the slavery which has risen out of

that gigantic and still growing evil—the Quebec Act, claims equal pity, and demands equal redress. The cause of Canada then is the cause of liberty—of that virtuous liberty which encourages loyalty and animates commerce,—which inspires public confidence, expands public credit, secures to every man the fruits of his industry, and kindles the electric flame of patriotism throughout society. This, and this only, it is which puts every hand in motion, and makes every individual, at the time that he promotes his own enjoyments, contribute to the welfare and enjoyment of the whole; and this, and this only, is the liberty for which the British subjects of Quebec now go forth to petition the British Parliament—a liberty which receives strength and vigour by wholesome laws, and by a punctual observance of them, not by contemning or treading them under foot—a liberty, of which equity and regularity are the parents; without which, neither empires nor provinces can maintain
their

their glory; without which neither ministers, monarchs, nor people, can be prosperous or happy.

This then is the exact moment, the golden opportunity, the eventful crisis, when the public expectation is to be gratified, and the public calamity relieved from miseries of such complicated disorders;—for to apply an observation made use of in the exigence of the affairs of Great Britain in 1756, whatever may be urged by ministers concerning the necessity of confidence in governors, and the presumption of prying with prophane eyes into the recesses of policy; it is evident that this reverence can be claimed only by counsels YET UNEXECUTED, and projects SUSPENDED IN DELIBERATION, But when a series of designs and experiments (as in the case of the transactions of the province of Quebec) have ended in *miscarriage*; when every eye and every ear is witness to *general discontent*, it is then the only time to disentangle

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tangle confusion, to illustrate obscurity, to *repeal the wrong*, and to *establish the right*—it is then the precise moment to shew by what causes every event was produced, and in what dreadful effects, if not immediately done away, it is likely to terminate. In short, this is the exact instant to define with exactness for universal information, what rumour huddles in general exclamation, or perplexes by undigested narratives, to shew whence calamity has been derived, and whence it may be expected; and honestly to lay before the people, the *ministry*, and the *monarch*, what enquiry has gathered of the past, and conjecture can estimate of the future.

A P P E N D I X.

(No. I.)

*Extracts from the Report of the Governor and
Council of the Province of Quebec to the
King, made in 1769.*

“ **B**Y these two ordinances (meaning that of
September 17, and November 6, 1764)
which have been transmitted to your Majesty,
and never disallowed; and are, therefore sup-
posed to have received the sanction of your Ma-
jesty's approbation; the Canadian laws and cus-
toms have been generally supposed to be abolish-
ed, and the English laws and customs to have
been introduced in their stead, and the judges of
your Majesty's courts of judicature in this pro-
vince have conceived themselves to be, in con-
science,

science, bound to administer justice according to the laws of England,"

" Your Majesty, by your commission to General Murray, dated *November 21*, in the fourth year of your Majesty's reign, to be Governor in Chief of this province) was pleased to delegate unto him a certain limited legislative authority, to be exercised by him, by and with the advice and consent of your Majesty's council of the province, and of the *general assembly of the freeholders and planters* in the same, therein directed by your Majesty to be summoned, to wit, an authority to make, constitute, and ordain laws, statutes, and ordinances, for the public peace, welfare, and good government of the said province, not repugnant, but as near as may be, agreeable to the laws of England. But your Majesty did not, in any part of the said commission, delegate either this, or any other legislative power to your said governor, to be exercised by him, with the advice and consent of the council only, *without the concurrence of an assembly—now no assembly of the freeholders and planters has hitherto been summoned*, consequently all the ordinances that have hitherto been made, so far as they have a legislative tendency, have been made without any warrant or authority from your Majesty's commission to your governor, and perhaps may, upon

upon that account, be justly concluded to be utterly null and void."

"It is true, indeed, that your Majesty did give a private instruction to your late governor, purporting to communicate to him a certain degree of legislative authority, to be exercised by him, by and with the consent and advice of the council only, without an assembly, to wit, to make such rules and regulations as shall appear necessary for the peace, order and good government of the said province, taking care that nothing be passed or done that shall any ways tend to affect the life, limb, or liberty of the subject, or to the imposing any taxes or duties."

"If a private instruction should be deemed to be a legal method of communicating a legislative authority, yet the power conveyed to the governor and council of this province by the instruction above mentioned, is too confined authority to warrant the general introduction of the English laws, particularly the criminal laws, which all affect either life, limb, or liberty."

"It remains that we consider the first and greatest inconvenience above mentioned, which arises from the uncertainty of the laws in the present condition of the province; and that we set before
your

your Majesty the different methods by which, as we conceive, this inconvenience may be removed, and the laws of the province may be settled for the future upon a solid and permanent foundation.

“ Four methods of doing this have occurred to us :

“ The First, Is to compose a code of laws for this province, that shall contain all the laws by which it is to be governed for the time to come, to the entire exclusion or abolition of every part, both of the laws of England and the French laws, that shall not be set down in the code itself.

“ The Second, Is to revive or establish the whole French law at once, to the exclusion of all the English laws, excepting those few which have been introduced by act of Parliament, above mentioned, and a few more of the laws of England which are most eminently beneficial and favourable to the liberty of the subject, and to introduce those beneficial

official laws by a particular ordinance or proclamation published in the province.

“ The Third method of settling the laws of this country so as to continue to the Canadians the use of several of their ancient customs, is to make the law of England the general law of the province, with an exception of those particular subjects concerning which, your Majesty shall please to permit the former customs of the country to subsist; and with respect to those subjects, to let the ancient laws of the country subsist in the manner they did at the time of the conquest, and without attempting to reduce them to writing, and insert them anew by particular ordinances expressly setting them forth in all the extent in which your Majesty thought proper to let them continue—and

“ The Fourth method of doing this, would be to make (as in the third method) the laws of England become the general laws of the province, with an exception

exception of those particular subjects or heads of law, concerning which, your Majesty shall please to permit the former customs of the country to continue, and with respect to these subjects, to enumerate and set forth at length in an ordinance and proclamation; to be made for that purpose, the particular customs which your Majesty should think fit to be continued, to the exclusion and abolition of all other customs that should not be contained in the said ordinances or proclamation

“The first of these methods of settling the laws of this province, namely, that of making a code of all the laws by which it shall be governed for the future, to the exclusion of all the laws both of England and France that are not contained in it, would certainly be the most troublesome in the execution, to your Majesty's ministers and servants, both in England and in this province.”

“The second method of settling the laws of this province, by reviving at once the whole French law, and introducing by an ordinance only,

only, a few of the laws of England that are most eminently beneficial to the subject, is evidently the shortest and easiest method that can be taken for this purpose, but it would be attended with inconveniencies."

" The third method of settling the laws of this province, by making the laws of England the general basis of them, and permitting the Canadian customs to continue, with respect only to some particular excepted subjects, and thereby a general reference to the law books, in which these customs are contained, without attempting to enumerate and express them anew, would also be a very short and easy one to your Majesty's ministers and servants both in England and in this country, and will be very agreeable and satisfactory to your Majesty's British subjects in this province."

" The fourth method of settling the laws of this province, by making the law of England become the general law of it, with an exception of some particular subjects, or heads of law, and concerning those subjects to revive the ancient customs of the country by an ordinance or proclamation, that should particularly set them forth, and describe them in all the extent in which your Majesty should think fit to let them

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continue,

continue, without any reference to the law books in which they were formerly contained, *would be preferable to the third method in this respect, that by enumerating and describing, or reciting particularly the several French laws and customs that were intended to be continued, it would cut off all connection, in the minds of the Canadians, with the French laws, lawyers, and judges, and the government under which they were maintained."*

*Extracts from the Report of the Honourable
William Hey, chief Justice of the Province
to his Majesty, dated 1769*

“ That though directed (meaning the court of common pleas) in their decisions to have regard to the laws of England, they were likewise allowed to admit the laws and customs of Canada, to be in force between Canadians only, when the cause of action arose before September 1764. Under this clause, which gives them power to determine according to equity, we believe they have admitted, and in general do admit, the laws of Canada to take place even in cases where the cause of action has arisen since that period. But how vague and uncertain their proceedings, as a court of equity must be, without one established maxim of equity in the court ! how ill calculated to preserve (what it certainly was not intended to preserve) an ancient system of laws, which were to be admitted or rejected upon notions of equity adopted by Gentlemen, who merit however no other imputation, than the want of education in, or acquaintance with courts of law or equity ; and

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the confusion in which such decisions must necessarily be involved, are matters in which we think we need not enlarge."

"But he humbly conceives that the frame and shape of the constitution imparted to this Province in a variety of instruments passed under the great Seal of Great Britain, more particularly that clause in your Majesty's commission, to your Governor, *which directs him to call a House of Assembly*, so soon as the circumstances and situation of the province will admit, do most evidently imply, that, however the authorities conveyed by those instruments, may have been made to exceed their own just bounds, your Majesty's intentions in varying either the substance of the laws themselves, or the modes of administering them, it yet was always your Majesty's pleasure, —and he presumes it always will be—that the province should assume the form and figure of a British Colony."

"He apprehends the re-establishment of all their laws will induce a necessity of employing their own lawyers, in the administration of them; your Majesty's Judges may, no doubt, with a little attention and industry, make themselves masters of the French law on these points, which it is proposed to preserve to the Canadians; but it would require *great abilities, uncommon industry, length of time*, and a perfect acquaintance

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with

with the French language, to attain such knowledge of the Canadian laws, as a compleat system of jurisprudence, that would enable them to execute their office, with any degree of sufficiency."

" Yet, however he may be induced for the reasons already mentioned, to reject the Canadian system, as the general laws of the province; he is yet perfectly persuaded, that it ought to make a material part of whatever system may hereafter be introduced;—the numbers of your Majesty's new subjects, their property and their influence; indeed, every consideration of justice, policy, or humanity, certainly demand it:—but he conceives they will have no right to complain, nor does he believe one reasonable Canadian will complain, that the English law should be considered as the leading system in an English government, provided those points which most sensibly affect them, such as the descent, alienation and incumbrance of their real property, their mode of devising, assigning, and conveying their personals, their marriage contracts, and all those dispositions which tend to regulate their domestic œconomy, and keep up family connections, are preserved entire, and the laws concerning them well understood."

(No. II.)

*To the Honourable the Legislative Council of
the Province of Quebec.*

THE merchants and other signers of a late petition to your honors, and spoke to on Saturday the 14th of *April* instant, humbly beg leave to lay on your table the following heads of the different subjects offered by their council in support of their said petition, for the consideration of your honors, and which they humbly conceive, if adopted and established, would facilitate the commerce and population of this province, and be the means of securing the rights and properties of individuals, his Majesty's old and new subjects, and restore peace, harmony, and happiness to the colony, by a wise, necessary, and just execution of his Majesty's paternal care and affection for all his subjects, expressed in the 12th article of his royal instructions to his Excellency the Right Honourable Lord Dorchester, Governor of the said Colony.

That

British } That the circulating property depend-
Property. } ing on the merchants of Montreal, from
estimates taken last *January*; in the *Upper Country*,
or Indian trade *above Cataraqui*, is

	£.	s.	d.
£. 300,000 sterling —	333,333	6	8
The property in the tower district of Montreal, is taken at	218,000	0	0
District of Montreal	551,333	6	8

Goods and effects in possession of,
and debts owing to the body
of merchants, and the amount
of British circulating property
depending on the said mer-
chants in the district of Quebec 436,000 0 0

The British property circulating
in the fisheries on the Labra-
dore Coast, and the fisheries of
Gaspée and Chaleurs Bay, is
very great: but as much of it
is never landed in the province,
but if landed, would be subject
to the laws of Canada, the
amount taken that is landed

Carried over 987,333 6 8
F 4 and

	£.	s.	d.
Brought forward	987,333	6	8
and governed by those laws, in debts and credits given, is es- timated at	—	—	—
	30,000	0	0

Circulating property remaining, in Canada, in commerce and governed by the laws of Ca- nada	—	—	—
	1,017,333	6	8

The estimate of lands and houses
in Montreal owned by British
subjects, and principally mer-
chants for carrying on their
trade, is

£. 90,000

Like estimate for }
Quebec } £. 138,690

228,609 0 9

The estimates of Seignorial es-
tates, owned and possessed
by British subjects in Canada,
is not yet compleated, but
will amount to upwards of

140,000 0 0

1,386,023 6 8

Amount of imports

in 1786, £. 325,116 0 0

Amount of exports

in 1786, 343,262 19 6

£. 668,378 19 6

The

The above sum of £. 1,017,333 6s. 8d. of the greatest part, must ever remain as a British capital in Canada, for carrying on the trade, and subject to be secured to the British merchant, or lost, as the internal legislation and jurisprudence of the country is favourable to commerce or otherwise,

Most of the above estimates have been made upon the most accurate evidence the nature of things would admit. That of the circulating property in the lower part of the district of Montreal and in the fisheries, is taken upon general principles, as there was not time to receive the information before the hearing. Particular estimates, however, are preparing to be laid before Lord Dorchester: and the petitioners are convinced that all the estimates are upon too low a scale,

Such evidence as the nature of the subject will admit of, is ready to be offered in support of the truth of the estimates, and to shew that the British merchants hold such a property, and that it ought to have weight in the scale of policy and justice, with the legislature, to afford ample means of security to the petitioners, by the laws, which alone in reason and justice, can, or ought to

to be applied for that purpose, those recommended by his Majesty's gracious instructions.

That there are at present in this province about 15000 of his Majesty's ancient subjects, great part of which number are the loyalists lately settled under his Majesty's paternal protection, and the humane and fostering care of the nation.

That those subjects *are wholly ignorant of the French laws* proposed to be established for the government of the civil rights.

That the French laws, as said to be established, and as proposed to be continued, *are wholly inadequate to secure the peace and prosperity of the King's natural born subjects residing in the province, or wisely and justly to protect and govern commercial rights, or to hold out as the means (but would prove a powerful bar) to population.*

That under these laws the *civil rights are unknown*, and property is insecure.

That infinite injury has arisen from holding the mercantile interest and rights to be governed and administered in the King's courts by such laws.

That

That the merchants in London, trading to this province, had complained to the King's ministers of these evils, and of the ruinous effects that actually had arisen, and the consequences that must arise from such a system or code of laws, and had prayed for relief.

That the King's new subjects, the Canadians, in the year 1773, when they petitioned his Majesty to obtain a security in their property and possessions, by the known rules of their ancient laws, at the same moment implored his Majesty equally to extend his protecting hand and care to his natural born (ancient) subjects.

That the constitutional principle of colonization in every modern empire, *is the extension, to such colony, of the national laws* for securing the personal rights of the natural born subjects.

That such would be the only wise and political means to populate this extensive colony, to increase its commerce, to improve its utility and subordination to Great Britain, and in that, and by those laws, to render the people wealthy, numerous, and happy.

That the legal and judicial construction given in this province upon the Quebec act was, that
it

it fully introduced the general edicts and ordinances of France, and the custom of Paris, as used and exercised during the French government, as the only rule in his Majesty's courts for deciding civil rights between all his Majesty's subjects, old and new,

That the *judgments of the said courts were not made upon such rule of prevailing law*, either in uniformity—admitting or rejecting the edicts and ordinances, or the articles of the custom of Paris, but did at times admit either, and at times reject both, and adopt the English statute and common law, as the law to administer *substantial justice*,

That *this uncertainty in the judicial proceedings and judgments of law, and in the exercise of a judicial authority, not founded on the laws of the province that legally ought to prevail, and thereby legislating, will stand proved, upon enquiry into the several cases stated at the bar of the council, and others which your petitioners are ready to adduce.*

That there was not that essential uniformity in the judgments, and regularity in the proceedings of the said courts, absolutely requisite to secure the rights of the subject.

That

That those evils were manifest and ruinous to the King's subjects. That they resulted from the causes, which the proposed bill would not only continue, but infinitely increase.

That from the want of certainty in the rules of right, and of known laws suited to the interest of the nation and its commerce in this province, infinite distress had fallen on the King's subjects, and had occasioned great disturbance in their minds.

Quebec, April 18, 1787.

J. Monk

Isaac Ogden

} *Counsel for the
Petitioners.*

SIGNED,

Jas. Johnston

Robt. Lester

Mathew Lymburner

John Blackwood

John Young

John Antrobus

Robt. Morrogh

William Goodall

Constant Freeman

John Painter.

Michael Cornud

John Purfs

} *In behalf of ourselves and
the other Petitioners.*

Extracts

(No. HI.)

Extracts from the Report of the Committee of Merchants of Quebec, to the Committee of Council dated January 1788.

OBSERVATION ON ACT 16.

“THE King’s proclamation of October 1763, promised the future settlers in this province, the benefit of the laws of England; these laws were accordingly introduced by an ordinance of the Governor and Council in September 1764, but unfortunately abrogated in all civil causes, by the act of the 14 Geo. 3, cap. 83; which statute instead of remedying temporary abuses, introduced great evils, particularly to the trading part of the nation. The merchants in England, and those of this province, have severely felt the effects and disposition of laws, to which they were utter strangers, the principles whereof, are anti-commercial altogether.—”

“The custom of Canada is a system so imperfect and defective, that the decisions in the courts, have become arbitrary, and destitute of uniformity.—The Court of Montreal differs in practice as well as decrees in some points of law, from that of

of Quebec ; both courts agree in not confining themselves to rules of law, but occasionally decide on the equity of the case, contrary to the letter of the law.—”

“ Thus the custom of Canada, the general laws of France, the Roman code, and in some commercial points, the laws of England have been resorted to ; but the most dangerous of all systems is, that of the decisions in equity of courts, strictly constituted as courts of law, without the ordinary rules, principles, and maxims, of courts of equity to govern them.—”

“ This versatility in the decrees of the courts, alone calls for a solid system of laws ; and surely no better can be resorted to, than the laws of England, to govern the property of British subjects.— The exports and imports of the provinces, being upwards of half a Million a year, and from the nature of the property liable to be more affected by the law of the country, and the practice of the courts, than any other. We therefore recommend a *re-introduction of the common and statute laws of England, as the general rule* for the decision of all matters of controversy, relative to personal property and civil rights, in all personal actions grounded upon debts, promises, contracts, and agreements, whether of a mercantile or
I other

other nature; and also concerning wrongs proper to be compensated by damages, with an exception to the statutes regarding bankrupts, and other local laws hereafter to be explained, as inapplicable to the situation and circumstances of the British colonies in America in general, and this in particular—with an exception also to all real actions or controversies respecting the titles of land, and the tenure, descent, alienation, incumbrances, and settlements of real estates, and the distribution of the personal property of persons dying intestate, in all which his Majesty's new subjects are most interested, for the decision whereof, except in certain cases hereafter to be mentioned, resort should be had to the laws and customs of Canada; but that juries should be granted in all courts having original jurisdiction, if demanded by either party, in all real and personal actions whatever."

"There must exist some capital defects in the constitution or practice of all the courts of law, on account of the great delay and procrastination in the decision of courts, which occasions many unnecessary appearances and attendances, and creates numerous expences to the parties."

CONCLUDING CLAUSE.

" In general and upon the whole of the observations which we have humbly offered, may be collected *the utter impossibility of governing this province, as a British colony*; and promoting its prosperity; without a power existing somewhere, of levying inland taxes, and providing for useful regulations.—These considerations we humbly submit to the Honourable Committee of council; and refer them to the petition we had the honor to transmit to his Majesty; and both Houses of Parliament, two years ago, for granting a House of Assembly to his Majesty's faithful subjects of this province; a copy of which accompanies this report."

Quebec,

July 6, 1787.

*Concluding Clause of the Report of Committee
of Merchants of Montréal, to Committee of
Council, dated January 1787.*

“ Upon the whole of the observations, which we have humbly offered, may be collected the utter impossibility of promoting the welfare of this province, as a British colony, under the present system of government. This consideration we submit to the Honourable Committee of council, and refer them to the petition we had the honour to transmit to his Majesty, and both Houses of Parliament, two years ago, for granting a House of Assembly to his Majesty's faithful subjects of this province; a copy of which accompanies this report.”

Montréal,

January 23, 1787.

Extract

*Extract from Report of Committee of Council
to Lord Dorchester, dated January 1787.*

“ In both these, (meaning the reports from the Committee of the cities of Quebec and Montreal) *they have deeply and accurately treated, and judiciously reasoned on the actual situation, and various interests of the province. We should therefore be wanting to them, and to your Excellency if we did not announce and recommend their representations to your Lordship's most serious consideration and reflection.*”

(No. IV.)

*Exports from the Port of Quebec, in Summer
1786, taken from the Books at the Custom-
house, Quebec.*

103,824	Busbels of Wheat.
10,476	Barrels Flour.
314	Busbels Peas.
4,015	Busbels Oats.
9,317	Cwt. Bisket.
10,171	Busbels Flax-Seed.
1,632	Pieces of Oak
74	Pieces Pine.
133,737	Staves
4,910	Heading
76,791	Boards and Planks
112,396	Shingles
1,622.	—. 20 cwt. Pot Ash
101.	3. 25 cwt. Pearl Ash
141	Boxes and Casks, Essence of Spruce
67	Horses
43	Masts
1,984	Quintals Cod Fish
253	Tierces Salmon
1,100	Smoaked Salmon
2,065	Shaken Casks
885	Busbels Potatoes.

410	Bushels Onions
24	Casks Ginfing
14,944	Pounds Capalair
94	Barrels Pork.
70	Ditto Beef
44,800	Hoops
384	Quintals Bran
2	Tierces Canada Balsam
185	Tons of Oil
116,623	Beaver Skins
48,436	Martins
23,684	Otters
9,595	Mink
3,958	Fisher
6,213	Foxes
17,713	Bears
5,477	Pounds Indian Dress Deer Leather
126,794	Deer Skins
108,521	Racoon
202,719	Musquach
12,923	Wolves
2,977	Open Cats
3,072	Cased Dittos
7,555	Elks
506	Wolverings
480	Squirrels
157	Seal
64	Tigers
296	Kitts

1,659 Cub Bears

882 Foxes

1,371 Pounds Castorum

Furnished a large quantity of Beef, Pork, and Flour, to the troops stationed in the Province.

Shipped from the fishing Ports within the Province, in the Gulph of St. Laurence, the Reports of which never came to the Custom-house of Quebec.

70,000 Cwt. of Cod Fish

5,000 Tierces of Salmon

300 Ton of Oil

A very considerable Quantity of Furs, and some Whale-bone.

Liquors imported into Quebec in 1786, taken from the Custom-house Books at Quebec.

3,932 Puncheons

15 Hogheads

51 Puncheons Brandy

2,133 Puncheons

14 Hogheads

513 Pipes

2,213 Hogheads

140 Barrels

} Rum

} Molasses.

} Wine.

Exported

*Exported from Quebec in Summer, 1787, taken
from the Custom-House Books of Quebec.*

227,931	Bushels of Wheat	
6,172	Bushels Peas	
12,709	Barrels Flower	
11,060	Cwt. Bisket	
144,015	Staves	
30,979	Boards	
993	Oak Planks	
610	Pieces Timber	
4	Masts	
26	Casks	} Essence of Spruce
76	Boxes	
4,445	Bushels Flax-seed	
22,536	Pounds Ginfing	
866	Shaken Casks	
1,851	Cwt. Cod Fish	
251	Casks Salmon	
19,000	Hoops	
42	Casks Herrings	
25	Ditto Bafs	
410	Casks Oats	
70,500	Onions	
44,780	Shingles	
104	Bushels Barley	
1622.	1. 16lb. wt. Pot-ash	

182 doz. Handspikes
139,509 Beaver Skins
88,142 Martins
26,330 Otters
16,957 Minks
5,813 Fisher
8,913 Foxes
102,656 Deer
1,788 Pounds dressed Deer Leather
140,346 Raccoons
240,456 Musquach
5,426 Cased Cats
1,825 Open ditto
9,815 Elks
9,687 Wolves
653 Wolverings
27 Tygers
17,108 Bears 33 Bears
125 Seal
1,454 Pounds Castorum

Furnished a large Quantity of Flower, Beef,
and Pork for the Troops stationed in the Pro-
vince.

Shipped

*Shipped from the Fishing Ports within the Province
in the Gulph of St. Lawrence, and Streights of
Belle Isle, the Reports of which never came to the
Custom House of Quebec. About*

60,000 Cwt. Cod Fish
5,000 Tierces Salmon
56 Ton of Oil

And a very considerable Quantity of Furs,
and some whalebone.

*Liquors imported into Quebec, in 1787, taken
from the Custom House Books.*

1,366 Puncheons Rum
2,000 Puncheons Molasses
505 Pipes }
3,513 Hhds } Wine
93 Barrels }
104,000 Gallons of Prize Spirits.

Court

<i>Court of King's</i>	}	<i>To the Honourable William</i>
<i>Bench, City</i>		<i>Smith, Esq. his Majesty's</i>
<i>and District</i>		<i>Chief Justice for the Pro-</i>
<i>of Quebec.</i>		<i>vince of Quebec.</i>

IN consequence of the communication which your Honour has been pleased to make to us, respecting a presentment made by the Grand Jury at the last sessions of the Court of King's Bench, at Montreal; and of an ordinance of the legislative Council, for laying a tax on the public for the erection of prisons, and other public buildings: we embrace the present occasion to express our gratitude to his Majesty's noble Representative, who, out of his tender care of the people committed to his charge, has been pleased to suspend the operation of the ordinance for erecting Court houses and prisons, until it is reported to his Majesty, and his Royal pleasure be made known therein.

We see the necessity of having prisons and other public buildings in this district, which at present are insufficient for the purposes required,

yet we apprehend that every kind of tax, under the present system of legislation, may occasion difficulties as well in the assessment and collection, as in other respects.

We flatter ourselves that *our provincial mode of government may in time become more and more assimilated to the constitution, from which we already derive so much happiness*; we look forward with satisfaction to the time, when the province of Quebec may be able, not only to support its own internal expences, but also to promote in a much greater degree than it has hitherto done, the commerce and welfare of his Majesty's dominions in general.

It has been observed with satisfaction, that, during the late Sessions of the Legislative Council, his Majesty's subjects have not been so much precluded as heretofore, from the knowledge of the matters therein agitated, until they were passed into laws, against which, however grievous they might be thought, the subject had no immediate or adequate remedy.—

That his Majesty may long reign over the British empire, and that he may ever be represented

sented as at present in this part of it, are the
sincere wishes of

Malcolm Fraser, Foreman,

Serindic

And ew Cameron

Charles Voyer

Simon Fraser

Francis Filion

Ant. Panet

Al. Wilson

Sam. Phillips

Fromenteau

David Schoolbred

Thomas Aylwin

John Painter

Perrault l'ainé

Ls. Langlois fils

Robert Merrogh

A. Willard

A. Gosselin

L. Dumas

Ls. Turgeon

Gueyrand,

Quebec,

May 10, 1787.

The French part of the Grand Jury, signed
the above in French.

Extract

(No. VI.)

Extract from a Memorial presented to Lord Sydney in January 1786, by the Merchants of London.

At a general Meeting of the Merchants of London, trading to the Province of Quebec, held at the New York Coffee House, the 24th of January, 1786.

“ W E, the said merchants, whose names are underwritten, for ourselves, and agreeable to the urgent and reiterated complaints and applications of the inhabitants of the province of Quebec, think it necessary and expedient, that a representation be made to his Majesty's ministers, of the distressed and deplorable state of that province; stating and submitting to them the following measures, which, we humbly apprehend to be most likely to prove effectual for quieting the minds of his Majesty's subjects there, extending and securing the commerce, and protecting the property of the British merchants, viz.

The

“ The present code of laws, *if the mixture of French and English laws may so be called*, not being well understood, the execution of them is subject to much difficulty and uncertainty ; among other inconveniencies, *persons often claim the right of both*, and take the advantage of that which best suits their purpose ; by these, and other means, the payment of debts are evaded, and right and property is rendered uncertain and insecure. The losses the British merchants have suffered from this evil within the last three years, has occasioned the ruin of many, and such is the present want of confidence, and want of credit, in consequence of these disasters, that *common ruin and general distress must ensue*, if some effectual remedy be not immediately applied.”

“ From the petitions delivered last year to the Right Honourable Lord Sydney, signed by upwards of 1800 of the principal inhabitants—from the letters lately addressed to us from the Committee of Quebec and Montreal on this subject, (copies of which are hereto annexed) *and moreover from our own knowledge, and the particular information our connections in that country afford us*, we are clearly and unanimously of opinion, that for the relief and redress of these evils, and the many other defects of the present constitution of that government, *a provincial legislature or house of assembly established*

established on the principle as in every other British colony in America, will be effectual."

"We are equally confident, that it is the earnest wish and desire (whatever may have been represented to the contrary,) of the principal as well as the generality of the inhabitants of the province, *both old and new subjects*, (and to which the royal refugees have also added their testimony, by petition, to be governed by British laws to be made and administered according to the British constitution,) they found their claim to it not only as British subjects, but under his Majesty's special proclamation of the 7th of October, 1763."

"We conceive *no other form of government will satisfy and quiet their minds, secure their rights, and protect our property*. We therefore feel it our duty to recommend, in the most earnest manner, this measure to his Majesty's ministers, *as the most essential for the security and prosperity of this valuable province*; and that that obnoxious and impolitic law, the act for subjecting the British subjects in Canada to a government so repugnant to the ideas of Britons, and the British constitution, and was so often cried out against as one of the causes of defection of the neighbouring colonies, may no longer disturb the peace of the loyal subjects of this province."

